

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

MICHAEL CARGILL and  
CTC HGC, LLC,  
*Plaintiffs,*

v.

BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES; ATF  
DIRECTOR STEVEN DETTELBACH,  
in his official capacity; ATTORNEY  
GENERAL MERRICK GARLAND,  
in his official capacity; UNITED STATES  
DEPARTMENT OF JUSTICE; and  
UNITED STATES OF AMERICA,  
*Defendants.*

Civil Action No. 1:22-cv-01063

**PLAINTIFFS' NOTICE OF CHANGE OF MATERIAL FACTS**

Plaintiffs Michael Cargill and CTC HGC, LLC, file this Notice of Change of Material Facts respectfully providing the Court with notice of a change in material facts regarding Defendants' Motion to Dismiss. *See* ECF Nos. 7, 12, 16, 17, and 20.

Without notice to undersigned counsel, an ATF Inspector arrived at Plaintiffs' property on Monday June 26, 2023, to begin conducting a Federal Firearms Licensee compliance inspection pursuant to 18 U.S.C. § 923(g)(1)(B)(ii)(I).

The issue at the heart of this case is the Enforcement Policy that Defendants will apply when they inspect Federal Firearms License holders. ECF No. 1, ¶¶ 34-58. Defendants have repeatedly averred that Plaintiffs' challenge to their new Enforcement Policy was "speculative," because—at the time of those filings—Plaintiffs had not yet been inspected under the new Policy. ECF No. 16 at 6. But

Defendants are now actively inspecting Plaintiffs and applying the challenged Enforcement Policy—ATF-O-5370.1F—an order they claim is entirely consistent with the Gun Control Act but refuse to disclose to Plaintiffs. ECF No. 20 at 2. This change in circumstances warrants notice to the Court, because it relates to Plaintiffs’ briefing regarding standing and ripeness. *See* ECF No. 12 at 8-11; ECF No. 17-1 at 3-5.

Respectfully submitted,

/s/Matthew Miller

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 27, 2023, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court for the Western District of Texas by using the CM/ECF system, which will serve a copy of same on all counsel of record.

/s/Matthew Miller  
MATTHEW MILLER